IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.20 OF 2006

In

WRIT PETITION NO.2680 OF 2002

Bharatiya Vidya Bhavan & Ors. : Petitioners

V/s.

The State of Maharashtra & Ors. : Respondents

...

Mr.Yashodhan Divekar i/b.Divekar & Co., for the petitioners.

Ms S. Shridharan, Asstt. Govt. Pleader for respondent Nos.1 to 4.

...

CORAM : H.L.GOKHALE & S.R.DONGAONKAR,JJ.

DATE : MARCH 24, 2006.

P.C.

1. Heard Mr.Divekar in support of this Motion.

2. This Motion was adjourned on the last date at the request of Mr.Phadnis appearing for respondent No.5.

3. This Motion is taken out clearly on the footing that in another college of the petitioner-institution i.e.

petitioner No.3 College, the first petitioner institution is allowed to appoint a Principal from the open category as an interim arrangement which is to be subject to the result of the petition. Inasmuch as that has been permitted by the University, now a request is made that the same treatment be given to the 2nd petitioner-College of the first petitioner known as "Bhavan's College of Arts, Science and Commerce" at Andheri (West), Mumbai, and that it be permitted to appoint a Principal from the open category, subject to the result of the petition. The request is that one Ms Katchi who is functioning in that post be granted the approval, again subject to the result of the petition. That is prayer clause (b) of the Motion. We do not see any reason why this prayer should not be granted. The University has not filed any reply, though the Motion has been served on it and the matter had been adjourned at its request.

4. Motion is made absolute in terms of prayer clause (b). Prayer clause (a) is not granted. Motion disposed of.

H.L. GOKHALE, J.

S.R.DONGAONKAR, J.